IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY SECOND DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 15856 of 2005

Between:

Madarapu Manikyam, s/o Chennaiah,
r/o Lingagiri Village, Chennaraopet Mandal, Warangal District.

..... PETITIONER

AND

1 The District Collector, Warangal District, Warangal.
2 The Joint Collector, Warangal, Warangal District.
3 The Revenue Divisional Officer, Narsampet (Civil Supplies), Warangal

District.
4 The Mandal Revenue Officer, Chennaraopet Mandal, Warangal District.
5 K.Ashok, s/o late Yellaiah, r/o Lingagiri Village, Chennaraopet Mandal,

Warangal District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction more particularly one in the nature of writ of mandamus declaring the order of the 1st respondent passed in Revision Petition No.10/2004, dt.15-12-2004 as illegal, arbitrary and in violation of principles of natural justice and consequently direct the respondents to appoint the petitioner as "Fair Price Shop Dealer" of Lingagiri Village, Chennaraopet Mandal, Warangal District.

Counsel for the Petitioner: MR.V.RAMAKRISHNA REDDY

Counsel for the Respondent Nos. 1 to 4: GP FOR CIVIL SUPPLIES

Counsel for the Respondent No.5: None appeared.

The Court, at the stage of admission, made the following:

Oral order:-

The petitioner and the 5th respondent herein applied for a fair price shop authorization for the Lingagiri village, Chennaraopet mandal, Warangal district. The petitioner succeeded and was granted the authorization. Aggrieved, the 5th respondent preferred an appeal to the 2nd respondent. The said appeal No.14 of 2002 was dismissed by the 2nd respondent on 10-06-2004. Aggrieved, the 5th respondent preferred a revision to the 1st respondent being revision petition No.10 of 2004. The 5th respondent had alleged that though he was better qualified than the petitioner, the petitioner was illegally granted the authorization by the 3rd respondent herein on account of the political influence brought to bear on the 3rd respondent by the petitioner viz., some recommendations by the local M.L.A. and M.P.

In considering the revision, the 1st respondent recorded that the original records pertaining to the authorization granted in favour of the petitioner were not available, but that it is apparent from the available record that the 3rd respondent had called for the antecedents both of the petitioner and the 5th respondent. In fact, the 5th respondent had stated before the revisional authority, that the 3rd respondent herein had intimated to him that he (5th respondent) was provisionally selected for authorization of the fair price shop of Lingagiri village.

On noticing the state of the record and on a rational analysis thereof, the 1st respondent, the revisional authority, concluded that the appointing authority had asked the Mandal Revenue Officer concerned to send up antecedent reports both of the petitioner and the 5th respondent herein and that on account of this situation, there is a reasonable ground for an apprehension that there was lack of fair play or absence of extraneous influences, in granting of authorization. In the interests of maintaining purity of the administrative process in the matter of granting of fair price shop authorizations, the 1st respondent, revisional authority, concluded that the grant of authorization in favour of the petitioner should be cancelled and accordingly the 3rd respondent herein was directed to issue a fresh notification to fill up the

vacancy in accordance with law.

This court finds no perversity in the conclusion warranting interference in judicial review. It is not as though the petitioner is barred from competing for the grant of fair price shop authorization. The earlier authorization process was invalidated by the revisional authority on the ground that an irregular procedure has lead to a reasonable apprehension of extraneous considerations having animated the grant of authorization and that in the interests of the purity of administration and public confidence in its neutrality, the earlier process be set at naught. As and when a notification is issued for the Lingagir fair price shop, the petitioner, 5th respondent and any other person qualified, may apply. Therefore, no substantive prejudice is caused to the petitioner which out weighs the public interest in ensuring a transparent and fair process.

On the analysis above, the writ petition is dismissed. No costs.

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GODA RAGHURAM, J

Dt. 22-07-2005

Pvks/*

To

1 The District Collector, Warangal District, Warangal.
2 The Joint Collector, Warangal, Warangal District.
3 The Revenue Divisional Officer, Narsampet (Civil Supplies), Warangal

District.
4 The Mandal Revenue Officer, Chennaraopet Mandal, Warangal District.

5. 2 CCs, to the learned Government Pleader for Civil Supplies, A.P.

High Court Buildings, Hyderabad (OUT)

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